

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

DIETGOAL INNOVATIONS LLC

v.

TACO JOHN'S INTERNATIONAL, INC.

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Lead Case: 2:12-cv-761-JRG-RSP

Case No. 2:12-cv-775-JRG-RSP

MEMORANDUM ORDER

Before the Court is Defendant Taco John's ("Taco") Motion to Dismiss for Improper Venue pursuant to Federal Rule of Civil Procedure No. 12(b)(3) and 28 U.S.C. §1406(a) (Dkt. No. 184, filed November 7, 2013). Taco contends that the case should be dismissed, or if transfer is more appropriate, the case should be transferred to the District of Wyoming. (*Id.*; *see also* Dkt. No. 223.) Plaintiff contends that venue is proper, but also offers the transfer of its claims to the Northern or Western Districts of Texas as an alternative to dismissal. (Dkt. No. 200.) Taco does not contend that venue in the Northern or Western Districts of Texas is improper, but simply that the District of Wyoming would be less burdensome to Taco. (Dkt. No. 223.) The Court **ORDERS** that cause number 2:12-cv-00775 be transferred to the United States District Court for the Northern District of Texas.

SIGNED this 25th day of February, 2014.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE